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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

11 DAVID OWEN HOOPER, )  
12 Petitioner, ) 3:10-CV-00566-ECR-VPC  
13 vs. )  
14 ELDON K. McDANIEL, et al., ) ORDER  
15 Respondents. ) /

17 The petitioner has filed an application to proceed *in forma pauperis* (#1) and submitted  
18 a petition for writ of habeas corpus (docket #1-1).

19 The petitioner's application to proceed *in forma pauperis*, including the financial  
20 certificate, establishes that the petitioner qualifies for *in forma pauperis* status. He shall be granted leave  
21 to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus  
22 petition. The petition will be ordered filed and docketed.

23 A review of the petition demonstrates that it must be dismissed, as the relief sought and  
24 the actions complained of do not lie in habeas. 28 U.S.C. § 2254 provides that the federal court shall  
25 entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to the  
26 judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws

1 or treaties of the United States. A petition for writ of habeas corpus seeks the release of the petitioner  
2 from the burdens of such a conviction on the grounds that the conviction or sentence violates some right  
3 guaranteed by the laws of the United States. This petition, which is incomprehensible and nonsensical,  
4 does not seek such relief and does not attack such a conviction. The petition shall be dismissed.

5 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*  
6 *pauperis* (docket #1) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his habeas  
7 corpus petition.

8 **IT IS FURTHER ORDERED** that the Clerk shall **file and docket** the petition which  
9 is **DISMISSED**. No Certificate of Appealability shall issue. The Clerk shall enter judgment  
10 accordingly.

11 Dated this 22<sup>nd</sup> day of September, 2010.

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UNITED STATES DISTRICT JUDGE  
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